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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,972	12/30/2005	Jean-Claude Sarfati	11345/119001	6274

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EXAMINER

NGUYEN, PHILLIP H

ART UNIT	PAPER NUMBER
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2191

MAIL DATE	DELIVERY MODE
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07/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/529,972

Applicant(s)

SARFATI ET AL.

Examiner

Phillip H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 6-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 11-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. This action is in response to the amendment filed on 4/17/2007.
2. Per Applicant's request:

Claims 6-10 have been canceled.

Claims 1-5 have been amended.

Claims 11-15 are newly added.

Drawings

3. The amendment filed on 4/17/2007 overcomes the objection to the drawings of previous office action. Therefore, the objection is withdrawn.

Claim Rejections - 35 USC § 101

4. The amendment filed on 4/17/2007 overcomes the rejection to claims 6-10 of previous office action. Therefore, the rejection is withdrawn.

Claim Rejections - 35 USC § 112

5. The amendment filed on 4/17/2007 overcomes the rejection to claims 1-10 of previous office action. Therefore, the rejection is withdrawn.

Response to Arguments

6. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Regarding claims 1 and 11, recites “authenticating, by a second certificate and during execution of said downloaded software, said first integrated software using an authentication software module associated with said downloaded software.” It is unclear to Examiner whether the authentication is performed by the downloaded software or by the integrated software. For examining purposes, Examiner interprets this limitation as two parts “authenticating, by a second certificate” and “during execution of said downloaded software, said first integrated software using authentication software module associated with said downloaded software”. Claims 2-5 and 12-15 directly or indirectly depend on claims 1 and 11 respectively, and therefore, have been addressed in connection with the rejection set forth to claims 1 and 11 respectively.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-5 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parkkinen (United States Patent No.: US 6,675,201 B1).

As per claims 1 and 11:

Parkkinen discloses

- authenticating, by a first certificate, said downloaded software using a first integrated software in said terminal ("**after the terminal has downloaded the software, it checks the authenticity of the software in step 310 by calculating, similarly as at the server, the check sum of the downloaded software and the certificate attached to the software**" Col 5, line 29-32).
- During execution of said downloaded software, said first integrated software using an authentication software module associated with said downloaded software (**It is inherent in Parkkinen's approach in order to perform the authentication**).

Parkkinen does not explicitly disclose:

- authenticating by a second certificate.

However, it would have been obvious to one having an ordinary skill in the art at the time the invention was made to recognize that authenticating is a well known in the relevant art and can be performed multiple times if more than one software programs to

be downloaded from different vendors. One would have been motivated to perform multiple authentications in order to certify all the downloaded software.

As per claims 2 and 12:

Parkkinen further discloses:

- wherein the first integrated software authenticates the downloaded software using of an authentication library (“**a collection means 206**” col. 4, line 1) and the first certificate (“**certificate attached to the software**” col. 5, line 32), wherein the first integrated software and the authentication library form a first part of write-protected memory (**see FIG. 4 and texts which further expands their feature** col. 5, lines 44-65), and wherein the downloaded software and the first certificate form a second part of the loadable memory (**the certificate and the software is formed a second part of the loadable memory after they being downloaded to the terminal**).

As per claims 3 and 13:

Parkkinen in combination with the well known discloses all the limitations of the 1 as outlined above.

Furthermore, Parkkinen in combination with the well-known technique further discloses:

- wherein the first part of the write-protected memory further comprises the second certificate (**comprises a second certificate for certifying more downloaded**

software as mentioned above), wherein the second part of loadable memory further comprises verification software (verification software must be in the loadable memory in order to perform the verification).

Parkkinen in combination with the well known technique does not explicitly disclose:

- once the downloaded software has been authenticated, the verification software authenticates the first integrated software using the authentication library and the second certificate

However, it would have been obvious to one having an ordinary skill in the art at the time the invention was made to modify Parkkinen's approach to include authenticating the integrated software. One would have been motivated to modify because it helps preventing software downloading from a disturber.

As per claims 4 and 14:

Parkkinen further discloses:

- wherein these two successive authentications take place on initialization (**It is inherent in Parkkinen's approach since terminal calculates the checksum and certificate to compare the signature with the reference signature, col. 5, lines 35-42).**

As per claims 5 and 15:

Parkkinen further discloses:

- wherein content stored in the second part of loadable memory is downloaded (**"terminal has downloaded the software"** Col 5, line 29, **the second part includes downloaded software and the certificate embeds in the downloaded software**).

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip H. Nguyen whose telephone number is (571) 270-1070. The examiner can normally be reached on Monday - Thursday 10:00 AM - 3:00 PM EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PN
7/6/2007



WEI ZHEN
SUPERVISORY PATENT EXAMINER